GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Minorities Welfare Department – Approval of Scheme for Dissolution and Reconstitution of the State Wakf Boards for the States of Andhra Pradesh and Telangana Order, 2015 - Gazette Notification issued by Government of India – Republication of Gazette of India Notification No.S.O.2452 (E), dt.07.09.2015 in the Andhra Pradesh Gazette – Orders – Issued.

MINORITIES WELFARE (SDM) DEPARTMENT

G.O.MS.No. 118 Dated:30th October, 2015
Read:

From the Under Secretary to GOI, Ministry of Minority Affairs, New Delhi, Lr. dt.15.09.2015 along with Gazette Notification No.S.O.2452 (E), dt.07.09.2015.

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ORDER:-

The following order of the Government of India published in the Gazette of India No.1917, extraordinary, Part-II, Section 3, sub-section (ii) dated:08th September, 2015, shall be republished in the Extraordinary issue of the Andhra Pradesh Gazette for general information.

2. The Commissioner, Government Printing Press, Andhra Pradesh is requested to publish the said order in the Extraordinary issue of the Andhra Pradesh Gazette, dated:30.10.2015.

MINISTRY OF MINORITY AFFAIRS
ORDER

New Delhi, the 7th September, 2015

S.O.2452(E).- In exercise of the powers conferred by sub-sections (2) to (5) of section 102 of the Waqf Act, 1995 (43 of 1995), the Central Government, after consulting the Central Wakf Council and the State Governments of Andhra Pradesh and Telangana, hereby approves the scheme for dissolution of the Andhra Pradesh State Waqf Board and for reconstitution of separate Waqf Boards for the States of Andhra Pradesh and Telangana and makes the following order to give effect to the scheme so approved, namely:-

1. Short title and commencement.- (1) This order may be called the Approval of Scheme for Dissolution and Reconstitution of the State Waqf Boards for the States of Andhra Pradesh and Telangana Order, 2015.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions:- In this order, unless the context otherwise required,-

(a) "Act" means the Waqf Act, 1995 (43 of 1995);

(b) "appointed day" means the date on which this order is published in the Official Gazette;

(c) "existing Board" means the Andhra Pradesh State Waqf Board;

(d) "section" means section of the Act.

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3. Dissolution of existing Board.- On and from the appointed day, the Andhra Pradesh State Waqf Board shall stand dissolved and the State Governments of Andhra Pradesh and Telangana shall establish their own State Waqf Boards in accordance with the provisions contained in section 13 and 14 of the Act and the Boards so constituted shall have jurisdiction over the areas falling in the respective States of Andhra Pradesh and Telangana.

4. Provisions for registration of auqaf in the States of Andhra Pradesh and Telangana.- Where, a waqf registered or deemed to be registered under the Act is under the superintendence of the existing Board prior to the appointed day, and the waqf property attached to such waqf is situated.-

(i) wholly within one State, such waqf shall, as on the appointed day, be deemed to have been registered with the successor State Waqf Board of that State;

(ii) partly in one State and partly in another state, such waqf property shall, as on the appointed day, be deemed to have been registered, without any further enquiry, charge or fee, in each of those States to the extent of the property situated in each State.

5. Transfer of rights and liabilities of existing Board.- (1) All the rights and liabilities of the existing Board (including the rights and liabilities under any contract made by it) shall be transferred to the successor State Waqf Boards.

(2) The successor State Waqf Boards shall receive the benefits as also bear the financial liabilities of the existing Board.

(3) The apportionment of assets and liabilities shall be subject to such financial adjustment as may be necessary to secure a just, equitable and reasonable apportionment of the assets and liabilities among the successor State Waqf Boards.

6. Transfer of assets of existing Board.- (1) As the fixed assets of the existing Board are spread over the areas of both Andhra Pradesh and Telangana, the principle of "as is where is" shall be adopted in respect of all assets including properties, land and buildings, trees and orchards and other endowments, records and digital records relating thereto:

Provided that any other property attached to a waqf or belonging to a waqf institution which are situated outside the State of Andhra Pradesh or, as the case may be, Telangana, and are under the superintendence of the existing Board, shall be deemed to be under the superintendence of respective successor State Waqf Boards.

(2) All other stores, articles and other goods including electronic goods belonging to the existing board shall in so far as they are located outside Hyderabad, become the property of the successor State Waqf Boards in whose territory such stores, articles and other goods are located and if such stores, articles and other goods including electronic goods are located within Hyderabad, they shall be distributed between the State Waqf Boards of Andhra Pradesh and Telangana in the ratio of 45:55 :

Provided that the Centralised Computing Facility which is under the superintendence of the existing Board shall go to the State Waqf Board of Telangana and a new Centralised Computing Facility shall be created for the State Waqf Board of Andhra Pradesh with the financial assistance from the Central Waqf Council.

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(3) The fixed deposits of around rupees forty crores with the existing Board, being received from the erstwhile Government of Andhra Pradesh on account of acquisition of land from Waqf Institutions, alongwith interest thereon, shall be returned to the successor State Waqf Board within whose jurisdiction those waqf institutions are situated.

(4) The investment of rupees twenty-three crores made by the existing Board in the sites adjacent to the State Haj House building at Hyderabad shall be given to the Andhra Pradesh State Waqf Board, with interest thereon, to the extent such money was received from the waqf institutions situated within the State of Andhra Pradesh and utilised for purchase of land and for development of commercial buildings on the sites near the Haj House.

(5) The money invested from waqf institutions in the State of Andhra Pradesh in Haj House situated in Telangana shall be returned to the Andhra Pradesh State Waqf Board, without any interest thereon, only after vacating of the premises of Haj House occupied by the Andhra Pradesh Haj Committee, Urdu Academy and Minorities Finance Corporation.

(6) Rents collected from private commercial institutions located in Haj House shall be shared in the ratio of 45:55 between the Andhra Pradesh State Waqf Board and the Telangana State Waqf Board based on the Muslim population in the respective States till such time as the State Governments of Andhra Pradesh and Telangana continue to jointly have Hyderabad as their Capital:

Provided that on the transfer of State Capital to a new location by the Government of Andhra Pradesh, the Telangana State Waqf Board shall transfer to the Andhra Pradesh State Waqf Board, the total sum of money invested in the Haj House to the extent such money was received from the Waqf Institutions located in the State of Andhra Pradesh, without interest thereon, within six months of the transfer of State Capital by the Andhra Pradesh Government.

(7) Running cash balance in the account of the existing Board as on the appointed day shall be divided between the successor State Boards of Andhra Pradesh and Telangana in the ratio of 45:55 on the basis of Muslim population in those States.

(8) The distribution of vehicles of the existing Board between the successor State Boards of Andhra Pradesh and Telangana may be determined on the basis of total aggregate value of vehicles and the vehicles shall be allocated on the basis of aggregate value in the ratio of 45:55 between the two State Boards.

7. Recovery of outstanding contributions and dues.- The right to recover contribution and other dues payable, but not so recovered, as on the appointed day, in respect of any waqf property under the superintendence of the existing Board shall,-

(i) if the whole of the waqf property is situated in one State, as on the appointed day, belong to the State Waqf Board having jurisdiction over the areas within which such property is situated;

(ii) in all other cases, belong to the State Waqf Board of the State, where the property, as on the appointed day, is deemed to have been registered.

8. Apportionment of staff of existing Board.- (1) Every employee of the existing Board, who is a native of Andhra Pradesh, shall, on and from the appointed day, be transferred to and become the employee of the Andhra Pradesh State Waqf Board and the services rendered by such employees for all purposes, be deemed to be service rendered by the employee of the Andhra Pradesh State Waqf Board.

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(2) All other employees of the existing Board shall, on and from the appointed day, be transferred to and become employees of the Telangana State Waqf Board and the services rendered by such employees under the existing Board shall, for all purposes, be deemed to be services rendered by the employees of the Telangana Waqf Board.

(3) The determination of nativity of the employee in the existing Board shall be in accordance with the criteria followed in bifurcation of all other employees of the two State Governments of Andhra Pradesh and Telangana.

(4) Every employee shall be entitled to, and be subject to, the same conditions of service and the same rights and liabilities as respects disciplinary matters as he was entitled to, and was subject to, immediately before the appointed day.

(5) The employees who have taken loans and advances from the existing Board shall continue to pay the instalments until liquidation thereof, to the successor State Waqf Board to which they are allocated.

9. Transfer of records.- (1) All records (including digital records) and other documents belonging to the existing Board and exclusively relatable to the Andhra Pradesh State shall, with effect from the appointed day, be handed over to the Chief Executive Officer of the Andhra Pradesh Waqf Board or to a person duly appointed by the Government of Andhra Pradesh in this behalf under the Act.

(2) All other records and documents belonging to the existing Board shall, with effect from the appointed day, belong to the Telangana State Waqf Board.

10. Special provisions relating to certain proceedings pending before the existing Board.- All proceedings pending before the existing Board immediately before the appointed day as are certified by that Board, having regard to the situation of the waqf properties and other circumstances,-

(i) which ought to be disposed of by the Andhra Pradesh State Waqf Board, shall as soon as may be after such certification, be transferred to the Andhra Pradesh State Waqf Board;

(ii) which ought to be disposed of by the Telangana State Waqf Board shall, as soon as may be, after such certification, be transferred to the Telangana State Waqf Board.

11. Legal proceedings.- Where immediately before the appointed day, the existing Board is party to any legal proceeding instituted in any court or Tribunal in the State of Andhra Pradesh or in the State of Telangana, the Andhra Pradesh State Waqf Board or the Telangana State Waqf Board, as the case may be, shall be deemed to be substituted after that day as a party to such proceeding or added as a party thereto, and the proceeding may continue accordingly.

12. Regulations made by the existing Board to continue in force.- All regulations made by the existing Board and in force immediately before the appointed day shall, until altered by the successor State Waqf Boards, continue to be in force in the States of Andhra Pradesh and Telangana.

13. Saving of certain actions taken by the existing board.- (1) All things done or actions taken by or on behalf of the existing Board in the State of Telangana under the Act, before the appointed day, shall be deemed to be things done or actions taken by the Telangana State Waqf Board.

(2) All things done or actions taken by or on behalf of the existing Board in the State of Andhra Pradesh under the Act, before the appointed day, shall be deemed to be things done or actions taken by the Andhra Pradesh State Waqf Board.

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14. Resolution of disputes.- (1) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreements between the States of Andhra Pradesh and Telangana failing which the decision of the Central Government in such matters shall be binding.

(2) The Central Government shall decide any issue in respect of which the State Governments of Andhra Pradesh and Telangana fail to reach an agreement and such decision of the Central Government shall be binding.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAIK MOHAMMED IQBAL
SPECIAL SECRETARY TO GOVERNMENT (FAC)

To
The A.P. State Wakf Board, Hyderabad.
The Commissioner, Minorities Welfare, Hyderabad.
The Under Secretary to Government of India,
Ministry of Minority Affairs,
11th Floor, Paryavan Bhavan, CGO Complex,
Lodhi Road, New Delhi.
All HoDs working under the Minorities Welfare Department.
All the District Collectors in the State.
All the Wakf Inspectors in the State.
Sc/sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER